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TO SECSTATE WASHDC PRIORITY 5336

LIMITED OFFICIAL USE SECTION 01 OF 09 KIGALI 04523

FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, RW  
SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993  
REPORT ON HUMAN RIGHTS PRACTICES

REF: (A) STATE 375150, (B) KIGALI 3613

1. LOU-NOFORN -- ENTIRE TEXT.
2. POST APPRECIATES DEPARTMENT EFFORT IN INITIAL EDIT OF HUMAN RIGHTS REPORT. WHEN WE DRAFTED THE REPORT, WE EXPECTED THE BROAD-BASED TRANSITION GOVERNMENT TO BE INSTALLED SOMETIME IN NOVEMBER.

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THAT PROVED OPTIMISTIC. WE STILL EXPECT THE BBTG IN PLACE BEFORE THE END OF THE YEAR, BUT PROBABLY ONLY JUST. BELOW WE WILL COMMENT ON DEPARTMENT LANGUAGE, ASSUMING THE GOVERNMENT IS NOT IN PLACE, AND PROVIDE LANGUAGE FOR EASY ADJUSTMENT IF OUR EXPECTATIONS ARE REALIZED.

3. PARA 4, FIRST SENTENCE. MODIFY TO READ:

"RWANDA IS GOVERNED BY AN INTERIM GOVERNMENT UNDER A

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: WILLIAM E LANDFAIR  
DATE/CASE ID: 18 JAN 2005 200401096

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POWER-SHARING ARRANGEMENT IN WHICH PRESIDENT JUVENAL HABYARIMANA RETAINS PREDOMINANT EXECUTIVE, LEGISLATIVE, AND JUDICIAL AUTHORITY IN ACCORDANCE WITH THE 1991 CONSTITUTION."

RATIONALE: WITHOUT "INTERIM" THERE IS POSSIBLE CONFUSION ABOUT WHICH "TRANSITION". SUGGEST ADDING "POWER-SHARING" IDEA BECAUSE THE PRESIDENT IS NOT TECHNICALLY PART OF THE GOVERNMENT ALTHOUGH HE IS PART OF THE GOVERNING PROCESS. FYI. THE CURRENT "INTERIM" MULTI-PARTY GOVERNMENT RESULTS FROM A 1992 PROTOCOL BETWEEN THE FIVE PARTICIPATING PARTIES. THE PROTOCOL WAS RWANDA'S INITIAL EFFORT AT POWER-SHARING. IN ORDER TO PARTICIPATE IN A GOVERNMENT WITH AN OPPOSITION PRIME MINISTER, THE FOUR OPPOSITION PARTIES AGREED TO LEAVE THE 1991 CONSTITUTION IN PLACE WHICH LEFT THE PRESIDENT AS HEAD OF STATE AND MOST POWER IN HIS HANDS. END FYI.

IF THE BBTG IS INSTALLED BY DECEMBER 31 AS EXPECTED, SUGGEST THE FIRST SENTENCE BEGIN AS FOLLOWS:

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"IN 1993, RWANDA WAS GOVERNED BY AN INTERIM TRANSITION GOVERNMENT UNDER A POWER-SHARING ARRANGEMENT IN WHICH PRESIDENT JUVENAL HABYARIMANA RETAINED PREDOMINANT EXECUTIVE, LEGISLATIVE, AND JUDICIAL AUTHORITY IN ACCORDANCE WITH THE 1991 CONSTITUTION."

4. PARA 5, FIRST SENTENCE. REPLACE "...WHICH HAD NOT GONE INTO EFFECT BY YEAR'S END, WILL, IF IMPLEMENTED,..." WITH: "...WHICH HAD NOT BEEN IMPLEMENTED BY YEAR'S END, WILL..."

RATIONALE: THERE IS A TECHNICALITY BETWEEN "IMPLEMENTATION" AND "GONE INTO EFFECT." THE PEACE ACCORD STATES THAT IT TAKES EFFECT THE MOMENT IT IS SIGNED. THUS, IT TOOK EFFECT AUGUST 4. HOWEVER, IMPLEMENTATION BEGINS WHEN THE BBTG IS SWORN IN. IF THE BBTG IS INSTALLED BY DECEMBER 31, DROP FROM FIRST SENTENCE: "WHICH HAD NOT BEEN IMPLEMENTED BY YEAR'S END,..." SO IT READS: "THE PEACE ACCORD SHIFTS MANY..." THEN, HAVE SENTENCE 2 READ: "THE ESTABLISHMENT OF THESE TRANSITION INSTITUTIONS, WHICH

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OCCURRED WITH THE SWEARING IN OF THE NEW GOVERNMENT  
AND NATIONAL ASSEMBLY ON -----, ..."

5. PARA 5, QUERY. THE ETHNIC RATIOS -- 85 PERCENT  
HUTU AND 14 PERCENT TUTSI -- ARE CORRECT.

6. PARA 5, LAST SENTENCE. DELETE "2,500."

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RATIONALE: THE SECURITY COUNCIL RESOLUTION  
AUTHORIZES DEPLOYMENT OF A FIRST BATTALION AND MAKES  
FURTHER DEPLOYMENT OF THE FORCB CONTINGENT UPON  
PROGRESS REVIEWS. THUS, THE MAXIMUM NUMBER IS NOT  
YET APPROVED.

7. PARA 6, SENTENCE 1. SHOULD READ: "THE PEACE  
ACCORD CALLS FOR AN INTEGRATED ARMY AND GENDARMERIE  
COMPRISED OF 60 PERCENT GOVERNMENT AND 40 PERCENT RPF  
FORCES."

RATIONALE: THE PEACE ACCORD MAKES NO/NO REFERENCE TO  
ETHNIC GROUPS. ALSO, IT APPLIES TO BOTH THE ARMY AND

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FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, RW  
SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993

GENEDARMERIE, WHICH TOGETHER MAKE UP RWANDA'S ARMED  
FORCES. FYI. THE RPF WILL ALSO PROVIDE PERSONNEL TO  
KEY POSITIONS IN ALL OF THE OTHER BRANCHES OF THE  
SECURITY SERVICES. END FYI.

8. PARA 8, SENTENCE 1. MODIFY TO READ:

"HUMAN RIGHTS ABUSES THAT PLAGUED THE FIRST QUARTER  
OF 1993 DIMINISHED CONSIDERABLY AS THE PEACE PROCESS  
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PROGRESSED TOWARD THE SIGNING OF THE PEACE ACCORD AND  
ITS IMPLEMENTATION."

RATIONALE: AFTER THE LOW POINT REACHED IN  
JANUARY/FEBRUARY, THE HUMAN RIGHTS PICTURE BEGAN TO  
IMPROVE FOLLOWING THE SIGNING OF THE MARCH 9  
CEASEFIRE WHICH LED TO RENEWED PEACE NEGOTIATIONS.

9. PARA 8, SENTENCE 2. MODIFY TO READ:

"THOSE ABUSES STEMMED FROM DISSATISFACTION ON THE  
PART OF THE FORMER SINGLE PARTY, THE NATIONAL  
REVOLUTIONARY MOVEMENT FOR DEVELOPMENT (MRND), OVER  
THE POWER-SHARING ARRANGEMENT AGREED JANUARY 9  
BETWEEN THE MULTIPARTY GOVERNMENT AND THE RPF."

RATIONALE: THE WORD "REJECTION" IS INACCURATE HERE  
AND IN THE NEXT SENTENCE. THE MRND NEVER "REJECTED"  
THE POWER-SHARING AGREEMENT AND HAS, IN FACT, NOW

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EXPLICITLY ACCEPTED IT. "SIMILAR" TO WHAT  
POWER-SHARING AGREEMENT? MENTION OF THE FOREIGN  
MINISTER AND ARUSHA SHOULD BE DROPPED, BECAUSE,  
ABSENT FURTHER EXPLANATION, THE ALLUSION TO HIS  
POSSIBLY ACTING BEYOND HIS MANDATE IS LOST.

10. PARA 8, SENTENCE 3. REPLACE "REJECTION" WITH  
"DISSATISFACTION." SEE RATIONALE ABOVE.

11. PARA 8. ADD A LAST SENTENCE TO BRING REPORT UP  
TO DATE: "AS INSTALLATION OF THE BROAD-BASED  
GOVERNMENT APPROACHED FOLLOWING SIGNING OF THE PEACE  
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ACCORD, SPORADIC INCIDENTS OF VIOLENCE CLAIMED THE  
LIVES OF SEVERAL WOMEN AND CHILDREN IN WIDELY  
SCATTERED RURAL AREAS.

12. PARA 9, QUERY. THE "INTERNATIONAL COMMISSION OF  
INQUIRY INTO THE VIOLATIONS OF HUMAN RIGHTS IN RWANDA  
SINCE OCTOBER 1, 1990" WAS AN INTERNATIONAL RESPONSE  
TO A REQUEST FROM A COLLECTIVE OF RWANDAN HUMAN  
RIGHTS GROUPS. FOUR INTERNATIONAL HUMAN RIGHTS  
ASSOCIATIONS PROVIDED 10 SPECIALISTS WHO MADE UP THE  
COMMISSION THAT CAME TO RWANDA JANUARY 7-21, 1993.

IT IS NOT/NOT ASSOCIATED WITH THE UNITED NATIONS. IT  
PERFORMED ITS INQUIRY TOTALLY INDEPENDENTLY OF THE  
GOVERNMENT OF RWANDA. PARTICIPANT ASSOCIATIONS  
WERE: THE INTERNATIONAL FEDERATION FOR HUMAN RIGHTS  
(PARIS), AFRICA WATCH (NEW YORK), THE INTERNATIONAL  
CENTER FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT  
(MONTREAL), AND THE INTERAFRICAN UNION FOR HUMAN  
RIGHTS (OUAGADOUGOU). PARTICIPANTS WERE FROM FRANCE,  
SWITZERLAND, COTE D'IVOIRE, THE U.S. (ALISON DES  
FORGES), BELGIUM, HOLLAND, BURKINA FASO, AND CANADA.  
THE GROUP'S FINDINGS WERE WELCOMED BY THE HUMAN  
RIGHTS GROUPS IN RWANDA THAT BELIEVE THE PRESIDENT  
AND HIS PARTY ARE BEHIND ALL ABUSES; THEY DOCUMENTED  
LONG-HELD SUSPICIONS. HOWEVER, THE HUMAN RIGHTS  
GROUPS THAT DEFEND HUTUS CRITICIZED THE COMMISSION'S  
WORK. THE COMMISSION'S METHODOLOGY HAD SEVERAL  
WEAKNESSES.

13. PARA 11, SENTENCE 1. INSERT "...FOLLOWING  
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DISCONTENT OVER THE POWER-SHARING AGREEMENT BETWEEN  
THE GOVERNMENT AND THE RPF." IN PLACE OF "...AFTER  
THE GOVERNMENT REPUDIATED A POWERSHARING AGREEMENT  
NEGOTIATED BY ITS FOREIGN MINISTER WITH THE RPF."

RATIONALE: SEE EXPLANATION IN PARA 9 ABOVE. THE  
FIVE-PARTY GOVERNMENT NEVER REPUDIATED THE  
POWER-SHARING AGREEMENT IT SIGNED WITH THE RPF ON  
POWER-SHARING. THIS AGREEMENT, AS SIGNED IN JANUARY,  
IS PART OF THE PEACE ACCORD.

14. PARA 11, SENTENCE 3: DROP "THE MILITARY.." FROM  
THIS SENTENCE. RATIONALE: THE MILITARY WERE NOT/NOT

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FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A

TAGS: PHUM, ELAB, KSPR, RW

SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993

INVOLVED IN THE POLITICAL AND ETHNIC VIOLENCE IN NORTHWESTERN RWANDA IN JANUARY; THEY DID NOT CARRY OUT THE KILLINGS NOR CAUSE THE DISPLACEMENT REFERRED TO IN THIS PARAGRAPH.

15. PARA 11, LAST SENTENCE. DELETE "SOME HACKED TO DEATH." RATIONALE. NORMALLY, TO ASSURE BALANCE AND NEUTRALITY, OUR HUMAN RIGHTS REPORTS TRY TO AVOID EMOTIVE WORDS. THIS IS AN EMOTIVE PHRASE. UF HOU  
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MUST SAY HOW THE PEOPLE WERE KILLED, SUGGEST: "SOME KILLED BY MACHETES."

16. PARA 12. DEPARTMENT HAS DROPPED COMPLETELY FROM EDITED TEXT THE CONTEXT WITHIN WHICH THESE VIOLATIONS TOOK PLACE. WE BELIEVE IT IS CRUCIAL TO KEEP THIS CONTEXT CLEAR: THE MILITARY WERE OPERATING IN A TIME OF WAR. THEREFORE, PLEASE RESTORE AS SENTENCE 1 OF THIS PARA:

"FOLLOWING THE RPF ATTACK IN FEBRUARY, PERSONS SUSPECTED OF BEING RPF SYMPATHIZERS, USUALLY TUTSIS BUT SOMETIMES OPPOSITION PARTY MEMBERS, LOST THEIR LIVES AT THE HANDS OF THE RWANDAN MILITARY OR OTHER PARTY MEMBERS."

17. PARA 12, SENTENCE 2. DELETE "...BY A MEMBER OF THE GENDARMERIE INTERROGATION UNIT..."

RATIONALE: WE REPORTED UNDER 1.B. THAT FIVE PERSONS WERE BEATEN TO DEATH IN THE KIGALI MILITARY CAMP BY SOLDIERS WHO HAD PICKED THE PERSONS UP AT CHECKPOINTS FOR LACKING PROPER IDENTIFICATION. HOWEVER, THE GENDARMERIE INTERROGATION UNIT WAS NOT/NOT INVOLVED IN THIS. POST'S ORIGINAL SUBMISSION DID REPORT, UNDER SECTION 1.C. - TORTURE, THAT A MEMBER OF THE GENDARMERIE INTERROGATION UNIT HAD TORTURED, BUT NOT/NOT TO DEATH, FIVE PEOPLE. THIS ITEM HAS BEEN

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DROPPED FROM SECTION 1.C. AS THE GENDARMERIE  
INVESTIGATION UNIT ABUSE INVOLVED TORTURE NOT  
POLITICAL KILLINGS IT DOES NOT MERIT MENTION HERE.  
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18. PARA 12, QUERY ABOUT "AUTHORITIES."  
DEPARTMENT'S WORD. IN FACT, PRISONERS FROM THE LOCAL  
PRISON ARE CHARGED WITH BURYING UNCLAIMED BODIES.  
HUMAN RIGHTS ORGANIZATIONS RECEIVED THE INFORMATION  
FROM THE PRISON GUARD MONITORING THE BURIAL CREW.

19. PARA 13. JOIN THIS PARAGRAPH TO PARA 11. THEY  
GO TOGETHER. THE VIOLATIONS AT THE HANDS OF THE  
MILITARY DESCRIBED IN PARA ABOVE HAD NOTHING AT ALL  
TO DO WITH THE REMOVAL OF LOCAL OFFICIALS. THE  
INTERMINISTERIAL COMMISSION MENTIONED INVESTIGATED  
ONLY/ONLY THE KILLINGS IN THE NORTHWEST IN JANUARY.

20. PARA 13, SENTENCE 1. CHANGE "NEARLY 40 LOCAL  
OFFICIALS" TO "SEVERAL LOCAL AND REGI -8  
(8:8-)."

RATIONALE: ALTOGETHER NEARLY 40 LOCAL OFFICIALS HAVE  
BEEN REPLACED. ONLY SOME OF THESE WERE REMOVED FOR  
CAUSE. OTHER VACANCIES WERE DUE TO RESIGNATIONS OR  
DEATHS. IN FACT, THE NUMBER REPLACED FOR "THIS"  
ETHNIC VIOLENCE--IN JANUARY IN NORTHWESTERN RWANDA  
WAS ONLY A HANDFUL--ABOUT 5. IT TOOK RPF PRESSURE TO  
ADD THESE TO THE LIST OF OTHERS WHOSE CASES WERE  
ALREADY UNDER CONSIDERATION FOR EARLIER (1992)  
VIOLENCE IN THEIR JURISDICTIONS.

21. PARA 14. DELETE "SELF-STYLED" IN SENTENCE 2.  
DELETE "TYPE" IN SENTENCE 3. NEITHER OF THESE WORDS  
ADD ANYTHING. IN FACT, THEY DETRACT FROM THE  
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SERIOUSNESS OF THE SUBJECT. SEE PARA 12 ABOVE FOR  
MORE ON THE INTERNATIONAL COMMISSION. THERE IS NO  
NEW EVIDENCE ON DEATH SQUAD ACTIVITY OR PARTICIPANTS.

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22. OPPOSITION ACTIVITIES. POST QUERIES WHY MATERIAL WE PROVIDED ON RPF VIOLATIONS THAT MEETS THE CRITERIA FOR SECTION 1.A. HAS BEEN DELETED. THE INSTRUCTIONS, AND THE CHECKLIST, CLEARLY SAY THAT POLITICAL AND EXTRAJUDICIARY KILLINGS BY BOTH GOVERNMENT AND OPPOSITION GROUPS SHOULD BE TREATED IN THIS SECTION. WE BELIEVE IT IS CRUCIAL TO KEEP THE BALANCE BETWEEN THE ABUSES OF THE TWO SIDES.

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FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, RW  
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THEREFORE, WE PROPOSE THAT THE FOLLOWING PARAGRAPH,  
OR PARTS OF IT AT LEAST, BE RESTORED TO SECTION 1.A.:

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"DURING ITS FEBRUARY OFFENSIVE, THE RPF ALSO  
COMMITTED POLITICAL AND EXTRAJUDICIAL KILLINGS.  
CREDIBLE REPORTS INDICATE THAT GRENADES WERE USED  
AGAINST GROUPS OF CIVILIANS AND SPECIFIC AUTHORITIES  
WERE TARGETED FOR DEATH, INCLUDING SEVERAL JUDGES AND  
A LOCAL ADMINISTRATOR IMPLICATED IN THE DEATHS OF  
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MEMBERS OF A TUTSI SUBGROUP. THERE IS NO EVIDENCE,  
HOWEVER, TO SUPPORT ALLEGATIONS THAT THE RPF USED  
CHEMICAL WEAPONS AGAINST DISPLACED PERSONS OR THAT IT  
MASSACRED HUNDREDS OF CIVILIANS TRAPPED BEHIND RPF  
LINES. THE RPF AND THE RWANDAN MILITARY ARE BOTH  
ACCUSED OF RESPONSIBILITY FOR A "KILLING FIELD"  
CONTAINING SCORES OF HUMAN SKELETONS IN THE WAR ZONE  
OF NORTHEASTERN RWANDA."

IF THIS PARAGRAPH IS NOT RESTORED HERE, WE URGE AT  
LEAST A SENTENCE AS FOLLOWS:

"THE RPF WAS ALSO GUILTY OF POLITICAL AND  
EXTRAJUDICIAL KILLINGS DURING ITS FEBRUARY OFFENSIVE  
(SEE SECTION L.G.)."

23. PARA 15, QUERY. POST IS NOTNOT AWARE OF  
ALLEGATIONS OF DISAPPEARANCES ASSOCIATED WITH THE  
ETHNIC/POLITICAL VIOLENCE IN GISENYI IN JANUARY. WE  
HAVE NOT SEEN AN AFRICA WATCH REPORT MAKING THIS  
CLAIM. IN THOSE MASSACRES, PEOPLE UNACCOUNTED FOR  
WERE PRESUMED DEAD, NOT "DISAPPEARED". SINCE THE  
MILITARY WERE NOT/NOT INVOLVED IN THE GISENYI  
MASSACRES (SEE PARA 14 ABOVE), WE CANNOT IMPLY THAT  
THEY WERE RESPONSIBLE FOR THE ALLEGED  
"DISAPPEARANCES" OF 100 PEOPLE IN THOSE MASSACRES AS  
IS THE CASE HERE BY HAVING THIS SENTENCE FOLLOW ONE  
THAT TALKS ABOUT ARMED FORCES ABUSES. WE CANNOT  
PROPOSE LANGUAGE FOR THIS SINCE WE DO NOT BELIEVE IT  
BELONGS HERE.

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24. PARA 16, QUERY. TORTURE, THOUGH NOT EXPLICITLY

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OUTLAWED, IS CONTRARY TO RWANDA'S CONSTITUTION AND PEACE ACCORD, WHICH TOGETHER CONSTITUTE THE FUNDAMENTAL LAW OF THE LAND. THE 1991 CONSTITUTION STIPULATES THAT INVESTIGATION, ARREST, DETENTION, OR CONVICTION OF SUSPECTS MUST BE CONDUCTED IN ACCORDANCE WITH THE LAW; ONLY PUNISHMENTS ENVISIONED IN THE LAW CAN BE ADMINISTERED. THE SIXTH PROTOCOL OF THE PEACE ACCORD, ON DIVERSE ISSUES, STATES THAT MEMBERS OF THE STATE SECURITY SERVICES MUST ABIDE BY THE LAW AND CONFORM TO THE LETTER AND SPIRIT OF INTERNATIONAL CONVENTIONS TO WHICH RWANDA IS A PARTY. THE SAME PROTOCOL OBLIGES THE NEW GOVERNMENT TO RATIFY AND LIFT RESERVATIONS ON ALL INTERNATIONAL CONVENTIONS PERTAINING TO HUMAN RIGHTS, INCLUDING THOSE AGAINST TORTURE.

25. PARA 17, SENTENCE 1. DELETE "INCLUDING POLICE". DELETE "AND BEATINGS AT THE TIME OF ARREST OCCUR ROUTINELY."

RATIONALE. GENDARMES, NOT POLICE, CONDUCT INTERROGATIONS. BEATINGS AT THE TIME OF ARREST ARE NOT/NOT ROUTINE. TO SAY SO IS BLATANTLY FALSE. TORTURE AT THE TIME OF INTERROGATION BY SECURITY SERVICES IS ALSO A RARE OCCURRENCE. RETRAINING OF THE INTERROGATION OFFICERS IN 1992 (SEE 1992 HUMAN RIGHTS REPORT) VIRTUALLY ELIMINATED THIS. ONE, REPEAT ONE, MEMBER OF THE GENDARME INTERROGATION UNIT WAS IDENTIFIED AS USING TORTURE DURING INTERROGATION IN 1992, AFFECTING FIVE PEOPLE. THIS IS SERIOUS, BUT  
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SHOULD NOT BE GENERALIZED TO MAKE TORTURE APPEAR TO BE ROUTINE PRACTICE. BEATINGS AT THE TIME OF ARREST WERE COMMON IN 1990 AT THE TIME OF MASS ARRESTS IN CONNECTION WITH THE START OF THE WAR. THIS PRACTICE HAS NOT BEEN KNOWN SINCE.

26. PARA 17. ADD AS LAST SENTENCE: "THESE ABUSES DECREASED SHARPLY AFTER THE MINISTER OF DEFENSE ORDERED AN END TO ABUSIVE BEHAVIOR AT MILITARY CHECKPOINTS."

RATIONALE. THIS REMARK BELONGS TO THIS SET OF

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FM AMEMBASSY KIGALI

TO SECSTATE WASHDC PRIORITY 5340

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FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A

TAGS: PHUM, ELAB, KSPR, RW

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ABUSES, NOT/NOT TO THE ONES IN THE NEXT PARAGRAPH.

27. PARA 18, LAST SENTENCE. DROP "BUT THE SITUATION IMPROVED AFTER THE MINISTER OF DEFENSE ORDERED A END TO ABUSIVE BEHAVIOR AT MILITARY CHECKPOINTS."

RATIONALE. BELONGS IN PRECEDING PARA. THE FIRST PART OF THE SENTENCE, ABOUT LOCAL SECURITY FORCES NOT INTERVENING, REFERRED ONLY TO THE SPECIFIC CASE OF  
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THE CARE INTERNATIONAL EMPLOYEES.

28. PARA 20, SENTENCE 1 AND 2. DELETE "...ARE LIFE  
THREATENING. THE PRISONS...". REPLACE "OFTEN" WITH  
"OCCASIONALLY".

RATIONALE. CONDITIONS IN RWANDAN PRISONS ARE  
DIFFICULT BUT NOT LIFE THREATENING. THIS OVERSTATES  
THE PROBLEM. "OFTEN" IS INACCURATE IN REFERRING TO  
PRISONER DEATHS BY VIOLENCE. FROM TIME TO TIME THERE  
ARE PRISON RIOTS THAT RESULT IN SOME DEATHS, BUT THIS  
IS NOT/NOT AN EVERYDAY OCCURRENCE NOR IS IT COMMON.

28. PARA 20, QUERY. WE KNOW OF NO/NO DEATHS IN  
PRISON DUE TO MALNUTRITION, DISEASE, OR LACK OF  
MEDICAL CARE. WOMEN IN PRISON ARE FEW. THEY ARE NOT  
VICTIMS OF RAPE.

29. PARA 20, LAST SENTENCE. ADD AFTER "DETAINEES"  
THE WORDS "IF ANY".

RATIONALE. AS WRITTEN, IT APPEARS TO BE A FACT THAT  
PERSONS ARE BEING DETAINED IN MILITARY CAMPS. OUR  
INITIAL SUBMISSION CAVEATED THIS. WE HAVE NO REASON  
TO BELIEVE THERE ARE DETAINEES IN MILITARY CAMPS  
NOW. WE STATE THIS IN PARA 25.

30. PARA 22, QUERY. YES, TO THE EXTENT POSSIBLE.  
IPIAJMT ADMINISTRATIVE DELAYS DUE TO UNFAMILIARITY OF  
UNTRAINED MAGISTRATES WITH THE LAW DOES RESULT IN  
ILLEGAL DETENTIONS. SEE LAST SENTENCE OF PARA 24 AND  
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FIRST SENTENCE OF PARA 25.

31. PARA 29, QUERY. SOME MEMBERS OF THE JUDICIAL  
COMMUNITY, OPPONENTS OF THE PRESIDENT, HUMAN RIGHTS  
ADVOCATES, AND SOME OFFICIALS IN THE MINISTRY OF  
JUSTICE CLAIM THE SUPERIOR COUNCIL OF MAGISTRATES WAS  
ILLEGALLY CONVENED LAST JANUARY IN THE ABSENCE OF THE  
MINISTER OF JUSTICE WHO HAD JUST RESIGNED. THEY  
CLAIM PARTICIPATION IN THE MEETING WAS RIGGED AND  
THAT THE ELECTION OF THE OFFICERS WAS MANIPULATED BY  
MRND PARTISANS, IN PARTICULAR, BY THE DIRECTOR

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GENERAL OF THE JUSTICE MINISTRY WHO IS MRND EVEN  
THOUGH THE MINISTRY WENT TO THE LIBERAL PARTY.  
MAGISTRATES ARE PROHIBITED FROM BEING MEMBERS OF  
POLITICAL PARTIES. SUGGEST REPLACING SENTENCE  
"INSTEAD...ILLEGAL." WITH:

"INSTEAD, CONTROVERSY OVER THE LEGALITY OF THE  
LEADERSHIP AND INITIAL DECISIONS OF THE NEWLY  
CONSTITUTED SUPERIOR COUNCIL OF MAGISTRATES PARALYZED  
THE JUDICIAL SYSTEM."

32. PARA 31. PLEASE MOVE THIS ENTIRE PARAGRAPH TO  
SECTION L.A. IT SHOULD BECOME PART OF PARA 11.

RATIONALE: INSTRUCTIONS FOR SECTION I.A. INDICATE  
THAT WE ARE TO REPORT "WHAT ACTION THE GOVERNMENT  
TOOK TO PUNISH THOSE RESPONSIBLE" FOR POLITICAL AND  
OTHER EXTRAJUDICIAL KILLINGS (STATE 244189, PARA  
13). THIS INFORMATION WAS PRESENTED UNDER I.A. IN  
OUR INITIAL DRAFT. WE BELIEVE IT SHOULD BE RESTORED  
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TO THIS SECTION.

33. PARA 31, QUERY. TO THE BEST OF OUR KNOWLEDGE,  
THESE TRIALS WERE FAIR AND PROVIDED DUE PROCESS. WE  
HAVE NO INFORMATION TO THE CONTRARY.

34. PARA 33, LAST SENTENCE. REPLACE LAST SENTENCE  
WITH THE FOLLOWING:

"THE MILITARY CONDUCTED A PRE-DAWN SEARCH IN HOMES OF  
SUSPECTED RPF SYMPATHIZERS IN THE COMMUNE OF MURAMBI  
IN DECEMBER, BEATING OCCUPANTS IN THE COURSE OF

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INFO	LOG-00	AF-01	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	EB-01	H-01	TEDE-00	INR-00	IO-16	LAB-04
	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01
	P-01	SIL-00	SP-00	SR-00	SS-00	STR-16	TRSE-00
	USIE-00	RPE-01	/060W				

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P 221448Z DEC 93  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 5341

LIMITED OFFICIAL USE SECTION 06 OF 09 KIGALI 04523

FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, RW  
SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993

SEARCHING FOR WEAPONS."

RATIONALE: THIS SENTENCE UPDATES THE SITUATION WITH  
A RECENT INCIDENT. PREFER TO DROP EXISTING LAST  
SENTENCE. THERE WAS ONE/ONE DOCUMENTED INSTANCE OF  
MRND/CDR YOUTH ENTERING HOMES AND BEATING PEOPLE, NOT  
"A NUMBER OF INSTANCES," AND THIS IS ALREADY  
THOROUGHLY COVERED IN L.C.

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35. PARA 36, SENTENCE 1. DELETE JZMASSIVELY." IF  
MUST KEEP IDEA OF GRANDEUR, SUGGEST SUBSTITUTING  
"COMMITTED EXTENSIVE" FOR "MASSIVELY."

36. PARA 36, SENTENCE 2. PLEASE DELETE  
PARENTHETICAL "WHICH WAS TRIGGERED BY THE  
JANUARY-FEBRUARY VIOLENCE AGAINST TUTSIS (SEE SECTION  
1.A)."

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RATIONALE. THIS IS A HIGHLY POLITICAL STATEMENT. THE RPF CLAIMED THE JANUARY VIOLENCE TRIGGERED THEIR ATTACK. IT COULD ALSO HAVE BEEN ONLY A PROVOCATION. THERE IS SUBSTANTIAL EVIDENCE TO INDICATE THAT THE RPF WAS PLANNING THIS ATTACK AS EARLY AS THE PREVIOUS NOVEMBER. TO RETAIN A BALANCED REPORT THAT IS POLITICALLY NEUTRAL, WE SHOULD AVOID SUCH POLEMICS. IF DEPARTMENT DECIDES THIS ALLEGATION MUST REMAIN, THEN URGE ADDING WORD "OSTENSIBLY" BEFORE "TRIGGERED."

37. PARA 36, QUERY. WE HAVE NO OFFICIAL OR UNOFFICIAL ESTIMATES OF CASUALTIES AMONG EITHER COMBATANTS OR CIVILIANS FROM THE FEBRUARY OFFENSIVE.

38. PARAS 38, 39. WE SUGGESTED IN PARA 22 ABOVE THAT THESE BE RESTORED TO SECTION I.A. IF THEY ARE LEFT HERE, SECTION I.A. SHOULD MAKE REFERENCE TO I.G. ON RPF POLITICAL AND EXTRAJUDICIAL KILLINGS.

39. PARA 41. SHOULD TERRORIST INCIDENTS, WHICH OCCUR OUTSIDE THE WAR ZONE, BE COVERED UNDER  
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HUMANITARIAN LAW VIOLATIONS? SUGGEST RESTORING THIS  
PARAGRAPH SECTION TO I.A.

40. PARA 44, QUERY. REPLACE "MORE BALANCED" BY  
"MORE PROFESSIONAL."

RATIONALE: BY "MORE BALANCED," POST MEANT THAT THE JOURNALISTS BEGAN SEEKING AND PRINTING BOTH SIDES OF A STORY OR CONTROVERSY. AS A RESULT, PROMINENT INDIVIDUALS BECAME MORE TOLERANT OF THE PRESS. CONSEQUENTLY, NO JOURNALISTS WERE ARRESTED. CRITICISM DID NOT DIMINISH. IT WAS JUST PRESENTED IN A MORE PALATABLE WAY.

41. PARA 49, SENTENCE 1. PLEASE REWRITE TO READ:

"CITIZENS WERE GENERALLY FREE TO JOIN THE POLITICAL PARTY OF THEIR CHOICE, BUT SOMETIMES MRND AND CDR PARTY YOUTH USED VIOLENCE AGAINST PERSONS AFFILIATED WITH A DIFFERENT PARTY OR WITH NO PARTY (SEE SECTIONS I.A. AND I.C.)."

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RATIONALE: HAVING DESCRIBED PARTY VIOLENCE AGAINST PERSONS OF OTHER PARTIES (SECTION I.A.) OR OF NO PARTY (SECTION I.C.), WE DO NOT WANT TO LEAVE THE CONTRADICTORY IMPRESSION THAT THERE WAS NO PARTY VIOLENCE. WHILE THE VIOLENCE COULD NOT ACCURATELY BE DESCRIBED AS INTIMIDATION TO ENCOURAGE OR DISCOURAGE PARTY AFFILIATIONS, IT WAS INDEED A FORM OF INTIMIDATION, A LASHING OUT AT PERSONS OF DIFFERENCE.

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42. PARA 55, SENTENCE 1. INSERT "ON REFUGEES"  
FOLLOWING "PROTOCOL."

RATIONALE: THERE ARE SIX PROTOCOLS ANNEXED TO THE ARUSHA PEACE ACCORD.

43. PARA 55, SENTENCE 3, REPLACE "INCLUDING MEMBERS OF THE RPF" WITH "INCLUDING SOME TUTSIS FROM BURUNDI".

RATIONALE: WE HAD PROJECTED SOME RPF WOULD HAVE RETURNED BY END 1993 BUT ARE UNAWARE THAT ANY HAVE. HOWEVER, ABOUT 200 RWANDAN REFUGEES LIVING IN BURUNDI

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ACTION HA-09

INFO	LOG-00	AF-01	AID-01	AMAD-01	CIAE-00	C-01	OASY-00
	DODE-00	EB-01	H-01	TEDE-00	INR-00	IO-16	LAB-04
	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01

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P-01 SIL-00 SP-00 SR-00 SS-00 STR-16 TRSE-00  
USIE-00 RPE-01 /060W

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FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 5342

LIMITED OFFICIAL USE SECTION 07 OF 09 KIGALI 04523

FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, RW  
SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993

RETURNED TO RWANDA AFTER THE BURUNDI PRESIDENT WAS  
ASSASSINATED.

44. PARA 56, UPDATE.

A. ADD FOLLOWING AS SENTENCE 1:

"NEARLY 400,000 REFUGEES FROM BURUNDI POURED INTO  
RWANDA IN OCTOBER TO ESCAPE ETHNIC VIOLENCE FOLLOWING  
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THE ASSASSINATION OF THE BURUNDI PRESIDENT AND  
ABORTIVE COUP ATTEMPT. THEY ARE SITUATED IN CAMPS  
ALONG THE LENGTH OF THE RWANDAN BORDER WITH BURUNDI.  
PRIOR TO THIS INFLUX, RWANDA WAS HOSTING ...."

B. IN LAST SENTENCE, DROP "IN 1993" AND ADD "BEFORE  
THE COUP ATTEMPT."

C. ADD FINAL SENTENCE: "SOME OF THESE REPATRIATES  
RETURNED TO RWANDA AFTER THE COUP ATTEMPT, HAVING  
LOST FAMILY MEMBERS IN THE SUBSEQUENT ETHNICRAMMWDKI  
9-GSLLD READ:

"NEVERTHELESS, UNDER A POWER-SHARING AGREEMENT  
REACHED IN 1992, FOUR OPPOSITION PARTIES PARTICIPATED  
IN A FIVE-PARTY COALITION GOVERNMENT WITH PRESIDENT  
HABYARIMANA AND HIS FORMER SINGLE PARTY, THE MRND.  
NEARLY A QUARTER OF THE DEPUTIES IN THE LEGISLATURE

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DECLARED THEMSELVES MEMBERS OF PARTIES OTHER THAN THE MRND."

RATIONALE: THE POLITICAL PROCESS WAS SO TURBULENT IN RWANDA IN 1993 PRECISELY BECAUSE PRESIDENT HABYARIMANA AND HIS PARTY COULD NOT CONTROL IT. THEY HELD ONLY 50 PERCENT OF THE SEATS IN THE GOVERNMENT. THIS RESULTED IN DEADLOCK RATHER THAN DOMINATION.

46. PARA 57, LAST SENTENCE. SHOULD THE BBTG BE SWORN IN AS EXPECTED BEFORE THE END OF THE YEAR, CHANGE "WHICH HAD NOT GONE INTO FULL EFFECT BY THE END OF THE YEAR" TO "WHICH BEGAN IMPLEMENTATION WITH LIMITED OFFICIAL USE

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THE SWEARING IN OF THE BROAD-BASED GOVERNMENT  
DECEMBER (?) ,".

47. PARA 58, SENTENCE 2. DELETE "WILL CONSIST OF 2,500 SOLDIERS AND ".

RATIONALE. SAME AS FOR CHANGE PROPOSED IN PARA 6 ABOVE.

48. PARA 58, SENTENCE 2. AS WRITTEN THIS SENTENCE OVERSTATES THE MISSION OF THE U.N. PEACEKEEPING FORCE AUTHORIZED FOR RWANDA. IT SHOULD BE REVISED TO READ:

"THE U.N. MISSION WILL BE RESPONSIBLE FOR ASSISTING IN PROVIDING SECURITY FOR KIGALI IN ORDER THAT THE BROAD-BASED GOVERNMENT CAN BE INSTALLED, MONITORING GOVERNMENT AND RPF OBSERVANCE OF THE CEASEFIRE AND ADHERENCE TO PEACE ACCORD PROVISIONS ON THE INTEGRATION OF THE ARMED FORCES, ASSISTING IN PROVIDING SECURITY FOR RETURNING REFUGEES, AND MONITORING THE SECURITY SITUATION IN THE PERIOD LEADING UP TO ELECTIONS."

49. PARA 59, COMMENT. OUR COMMENTS ON THIS SECTION SHOULD ADDRESS THIS EVENTUALITY. WE'LL ADVISE ON FINAL CHANGES AS SOON AS SITUATION IS KNOWN.

50. PARA 61, QUERY. "NEWLY APPOINTED" REFERS TO THE TRANSITION NATIONAL ASSEMBLY. AS NOTED IN REF A PARA 60, POLITICAL PARTIES WILL "NAME" THEIR DEPUTIES IN THE 70-PERSON LEGISLATURE.

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51. PARA 64, SENTENCE 2. ADD "ATTEMPT" AFTER  
"ASSASSINATION." RATIONALE: HE DID NOT DIE.

52. PARA 64, QUERY. ADD: "LOCAL OFFICIALS IN SOME  
AREAS WHERE ABUSES OCCURRED PREVENTED ACCESS TO HUMAN  
RIGHTS WATCHERS OR WARNED CITIZENS AGAINST TALKING TO  
THEM. PROMINENT HUMAN RIGHTS ACTIVISTS FREQUENTLY  
RECEIVE ANONYMOUS, THREATENING PHONE CALLS."

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	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01
	P-01	SIL-00	SP-00	SR-00	SS-00	STR-16	TRSE-00
	USIE-00	RPE-01	/060W				

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P 221448Z DEC 93  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 5343

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E.O. 12356: N/A

TAGS: PHUM, ELAB, KSPR, RW

SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993

53. PARA 65, SENTENCE 1. REVISE TO READ:

"THE MORE RECENTLY FORMED ASSOCIATIONS TRACE ALL HUMAN RIGHTS PROBLEMS IN RWANDA TO THE WAR LAUNCHED BY THE RPF IN 1990, A VIEW COMMON TO THE FORMER SINGLE PARTY AND AUTHORITIES SUPPORTIVE OF THE PRESIDENT."

RATIONALE: THE WORD "GOVERNMENT" MUST BE DELETED  
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FROM THIS SENTENCE. THE VIEW DESCRIBED ABOVE IS  
NOT/NOT THE VIEW OF THE GOVERNMENT BUT OF THOSE  
SUPPORTIVE OF THE MRND AND THE PRESIDENT.

54. PARA 67, LAST SENTENCE. INSERT "POTENTIAL"  
BEFORE "DETAINEES".

RATIONALE. AS NOTED IN PARA 29 ABOVE, WE HAVE NO  
EVIDENCE TO CONFIRM THE EXISTENCE OF DETAINEES IN  
MILITARY CAMPS AT THIS TIME. THE POINT IS THAT ICRC  
IS NOT ALLOWED TO CHECK.

55. PARA 70, SENTENCE 2. REPLACE "ECONOMIC LIFE"  
WITH "MODERN ECONOMY."

RATIONALE: WOMEN PLAY A TREMENDOUS ROLE IN THE  
TRADITIONAL ECONOMY AS SUBSISTENCE FARMERS. WHERE  
THEY ARE NOT REPRESENTED IS IN THE MODERN ECONOMIC  
SECTOR. (NOTE. THIS IDEA WAS DELETED FROM OUR  
INITIAL DRAFT.)

56. PARA 70, QUERY. INSERT AFTER "IT": "FORMALLY  
RECOGNIZES MEN AS HEADS OF HOUSEHOLDS."

57. PARA 72, QUERY. RAPE HAS NOT/NOT BECOME A MEANS  
BY WHICH ONE GROUP HUMILIATES ANOTHER. RAPE WAS  
NOT/NOT AT ANY TIME A FEATURE OF ETHNIC VIOLENCE IN  
RWANDA. SUGGEST THIS SENTENCE, THE THIRD REFERENCE  
TO THIS CONCERN IN THE REPORT, READ:

"RAPE BECAME A MAJOR ISSUE AS SOLDIERS LEFT THE FRONT

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FOLLOWING RENEWED HOSTILITIES IN FEBRUARY."

58. PARA 80, QUERY. ADD: "BUT IN PRACTICE, FEW  
HANDICAPPED PERSONS HAVE HAD ACCESS TO EDUCATION AND  
THUS TO EMPLOYMENT."

59. PARA 82, QUERY. YES, THIS IS ACCURATE. THERE  
ARE NO RESTRICTIONS ON THE RIGHT OF ASSOCIATION BUT  
ALL UNIONS MUST REGISTER WITH THE MINISTRY OF JUSTICE  
FOR OFFICIAL RECOGNITION. TO MBASSY'S KNOWLEDGE, NO  
LABOR UNION HAS BEEN DENIED RECOGNITION.

60. PARA 83, QUERIES. CESTRAR IS A FEDERATION OF 17  
LABOR UNIONS.

61. PARA 84, QUERY. LABOR UNION LAWS EXPLICITLY  
STATE THAT LABOR UNIONS CAN HAVE "NO POLITICAL  
AFFILIATION." THERE IS NO REFERENCE IN THE  
CONSTITUTION TO THIS RELATIONSHIP.

62. PARA 85, QUERY. LAWS ON THE BOOKS PROHIBIT  
RETRIBUTION AGAINST STRIKERS BUT THESE LAWS HAVE  
NEVER BEEN ENFORCED. EMBASSY DOES NOT UNDERSTAND  
WHAT "RESTRICTIONS" ARE BEING ASKED ABOUT IN THIS  
QUERY.

63. PARA 88, SENTENCE 2. PLEASE REVISE TO READ:

"ONLY CESTRAR HAS AN ESTABLISHED COLLECTIVE  
BARGAINING AGREEMENT WITH THE GOVERNMENT. ALTHOUGH  
NEWLY ESTABLISHED LABOR UNIONS HAVE YET TO DEVELOP  
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SIMILAR PROCEDURES, THEIR MEMBERS ARE NOT PREVENTED  
FROM ENGAGING IN COLLECTIVE BARGAINING."

RATIONALE. OUR ORIGINAL DRAFT SAID THAT ONLY CESTRAR  
WAS "COVERED" BY COLLECTIVE BARGAINING AGREEMENTS,  
NOT/NOT THAT THEY WERE THE ONLY UNION THAT COULD  
ENGAGE IN COLLECTIVE BARGAINING, AS THE EDITED

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VERSION INDICATES.

64. PARA 89, QUERY. THERE ARE NO FORMAL MECHANISMS  
TO RESOLVE COMPLAINTS INVOLVING DISCRIMINATION

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	DODE-00	EB-01	H-01	TEDE-00	INR-00	IO-16	LAB-04
	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	PA-01	PRS-01
	P-01	SIL-00	SP-00	SR-00	SS-00	STR-16	TRSE-00
	USIE-00	RPE-01	/060W				

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FOR HA, S/IL, AF/C, AND AF/RA

E.O. 12356: N/A  
TAGS: PHUM, ELAB, KSPR, RW  
SUBJECT: RWANDA: COMMENTS ON INITIAL EDIT OF 1993

AGAINST UNIONS.

LEADER

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